

REMARKS

Claims 14-27 were pending at the time the outstanding Office Action issued of which claims 14 and 27 were independent. Claim 1 is amended to clarify the relationship between the mobile radio base station and the IP/mobile radio data converter device. New claims 28 – 31 are added to afford Applicants a varied scope of patent protection. Thus, claims 14-31 are now pending.

The objection to the specification as lacking a brief description of the drawing is traversed. The Examiner's attention is directed to page 5, lines 21-22, of the clean copy of the application submitted January 3, 2007 (copy of the applicable portion of page 5 appearing below) including a description of the sole drawing "which shows an arrangement according to the invention diagrammatically." Accordingly, withdrawal of the objection is solicited.

20

BRIEF DESCRIPTION OF THE DRAWING

In the text which follows, the invention will be explained with reference to the drawing which shows an arrangement according to the invention diagrammatically.

The objection to the Declaration as insufficient is also traversed. The questioned Declaration was submitted as part of PCT Request form PCT/RO/101: Box No. VIII(iv) Declaration: Inventorship and complies with the requirements of PCT Rules 4.17(iv)¹ and 51bis.1(a)(iv)² and thereby 37 CFR 1.69³ which provides for an exception to an English

¹ 4.17 Declarations Relating to National Requirements Referred to in Rule 51bis.1(a)(i) to (v)

The request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations, worded as prescribed by the Administrative Instructions:

(iv) a declaration of inventorship, as referred to in Rule 51bis.1(a)(iv), which shall be signed as prescribed by the Administrative Instructions.

translation when the oath or declaration is submitted in accordance with PCT Rule 4.17(iv).

Accordingly, withdrawal of the objection is solicited.

Claims 14-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sinivaara EP 1096699 in view of Kirmuss US 20030081121. The rejection is traversed.

Claim 1 as amended recites a system for connecting a cellular telephone located in a mobile vehicle, such as an aircraft, to a stationary mobile telephone network. The system includes both equipment at a stationary (e.g., ground) location and equipment onboard the vehicle (e.g., aircraft.) The stationary equipment converts mobile radio data on the stationary mobile radio network to IP data and vice versa for transmission to/from the vehicle. Equipment onboard the vehicle transmits and receives the IP data to/from the stationary equipment and converts between the IP data and the mobile radio data for use by an onboard mobile radio base station. Mobile radio data includes, for example, GSM and UMTS data (specification at page 4, lines 4-5) and data compatible with "mobile radio networks according to other conventional standards." See specification at page 2, line 24-25.

² § 51bis.1 Certain National Requirements Allowed

(a) Subject to Rule 51bis.2, the national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish, in particular:

(iv) where the international application designates a State whose national law requires that national applications be filed by the inventor, any document containing an oath or declaration of inventorship,

³ § 1.69 Foreign language oaths and declarations.

- (a) Whenever an individual making an oath or declaration cannot understand English, the oath or declaration must be in a language that such individual can understand and shall state that such individual understands the content of any documents to which the oath or declaration relates.
- (b) Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

While, at first glance, the figures of Sinnivaara might appear to disclose cellular telephone onboard an aircraft, the disclosure makes clear that the depicted devices are terminals. Only to the extent that a mobile phone includes an integrated WLAN or LPRF capability to connect to a LAN can it be used with Sinnivaara's system. (Sinnivaara at para [0033], col. 10, lines 23 – 32.)

Sinnivaara discloses providing an IP local data network onboard an aircraft. See Sinnivaara at para [0028], col. 8, lines 24 – 42 disclosing that the air network at POS3 of Fig. 2 is a LAN and that:

[t]he subscriber may use, for example, a dual-mode terminal, which comprises a conventional mobile station part and a WLAN part so that the terminal preferably operates in the WLAN mode when it has an opportunity to establish a connection to the air network of the aircraft network (location POS3) or a WLAN Access Point AP, i.e. a base transceiver station (described in more detail in Figure 4) arranged in the ground network (location POS5).

Instead of using a mobile radio base station onboard the aircraft as claimed, Sinnivarra discloses using a LPRF (Low-Power RF) connection “according to the Bluetooth standard.” Sinnivaara at para [0033], col. 10, lines 23 – 32. Thus, according to Sinnivaara, an “ordinary” GSM mobile phone may be used only if this “ordinary” phone has an integrated WLAN or LPRF module. There is no disclosure of using mobile radio data to connect to the terminals or a mobile radio base system to effect such a connection.

Not only does Sinnivaara fail to disclose or suggest a mobile radio base station aboard an aircraft (or other vehicle) or converting between IP and mobile radio data, but Sinnivarra teaches away from doing such because “mobile communications systems cause interference in the control equipment of airplanes.” Sinnivaara at para [0033], col. 10, lines 35 – 39. As Kirmuss also fails to disclose or suggest the elements missing from Sinnivaara, the combination also fails to anticipate or render obvious the invention of claim 14.

Claim 27 is allowable for reasons similar to those presented in connection with claim 14 including the failure of Sinnivaara and Kirmuss, singularly and in combination, to disclose or suggest, *inter alia*, logging-in a cellular phone at a local mobile radio cell formed by a mobile radio base station arranged onboard a vehicle and converting the mobile radio data into IP data.

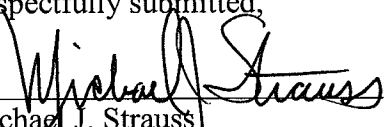
As the applied art fails to disclose or suggest the subject matter of independent claims 14 or 27, withdrawal of the outstanding rejection of those claims is solicited. Since claims 15-26, 28 and 29 are all either directly or indirectly dependent on claim 1, and claims 30 and 31 from claim 27, these dependent claims also define subject matter that is patentably distinct over Sinivaara and Kirmuss, singularly and in combination. Accordingly, withdrawal of the outstanding rejection of dependent claims 15-26 and 28-31 is likewise solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **246472009900**.

Dated: June 25, 2009

Respectfully submitted,

By


Michael J. Strauss

Registration No.: 32,443

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7359